

Chapter 18.43

SEISMIC COMBINING DISTRICT

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18.43.010 Purpose.

The purpose of the provisions of this chapter is to require the consideration of geologic hazards when considering applications and permits for "projects" as defined by Section 2621.6 of the Resource Code of the state. (Ord. 863 N.S. § 5 (part), 1988)

18.43.020 Definitions.

For the purposes of this chapter, certain terms are defined as set out in this section:

A. "Active fault" means any fault which has had surface displacement within Holocene time (about the last eleven thousand years), hence constituting a potential hazard to structures that might be located across it.

B. "Application" or "approval" means the documents necessary for consideration of a land use request and the necessary authorization by various departments and governmental bodies of the city before construction may proceed. These items shall include, but not be limited to, tentative maps, parcel maps, conditional use permits, variances, site and architectural review, and building permits.

C. "Director" means the director of the community development department or his duly appointed representative.

D. "Fault trace" means the line formed by the intersection of fault and the earth's surface and also means the representation of a fault depicted on a map.

E. "Fault zone" means an area comprising related faults which commonly are braided and subparallel but may be branching or divergent.

F. "Potentially active fault" means any fault considered to have been active during Quaternary time (about the last two million years).

G. "Projects," as used in this chapter, means:

1. Any subdivision of land which is subject to the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code, and which contemplates the eventual construction of structures for human occupancy;

2. Structures for human occupancy, with the exception of:

a. Single-family wood-frame dwellings to be built on parcels of land for which geologic reports have been approved pursuant to the provisions of paragraph 1 of this subsection.

H. "Qualified geologist" means a geologist registered in the state, licensed by the State Board of Registration for geologists to practice geology in California.

I. "Special studies zones" means those areas located within the city and designated as special studies zones by the State Geologist pursuant to Section 2622 of the Resources Code of the state, including any revisions and additions to the special studies zones designated by the state in accordance with said section.

J. "Structures for human occupancy" means a structure that is regularly, habitually, or primarily occupied by humans (which is expected to have a human occupancy rate of more than two thousand person hours per year), excluding freeways, roadways, bridges, railways, airport runways, tunnels, swimming pools, decorative walls and fences and minor work of a similar nature, and alterations or repairs to an existing structure, provided that the aggregate value of such alteration or repair shall not exceed fifty percent of the value of the existing structure and shall not adversely affect the structural integrity of the existing structure. (Ord. 863 N.S. § 5 (part), 1988)

18.43.030 Compliance required.

Prior to the consideration or an application for a project within the seismic combining district the provisions of this chapter shall be reviewed and met. (Ord. 863 N.S. § 5 (part), 1988)

18.43.040 Construction limitations.

No project shall be constructed across the trace of a known active fault or within the area identified as the seismic combining district as shown on the map entitled "Zoning Map of the City

of Morgan Hill." Furthermore, the area within fifty feet of an active fault shall be assumed to be underlain by active branches of the fault unless and until proven otherwise by an appropriate geologic investigation by and submission of a report from a qualified geologist. As a result no such structures shall be permitted in this area. Additionally, no change in use or character of occupancy, which results in the conversion of a building or structure from one not used for human occupancy to one that is so used, shall be permitted unless the building or structure complies with the provisions of the Alquist-Priolo Special Studies Zones Act and this chapter. (Ord. 863 N.S. § 5 (part), 1988)

18.43.050 Geologic report--Need.

The director shall review each application for a project if the proposed project is located within a special studies zone. If, after such review, it is determined that the proposed project will be located within a special studies zone, the director shall require the applicant to enter into an agreement with the city for consultant services for the preparation of a geologic report. Upon receipt of a signed agreement and any required administrative fees, the director shall cause the geologic report to be prepared by a qualified geologist selected by the city. One copy of all such geologic reports shall be filed with the State Geologist by the city within thirty days following the report's acceptance. (Ord. 863 N.S. § 5 (part), 1988)

18.43.060 Geologic report--Waiver.

The director may waive the requirement that a geologic report be prepared pursuant to this chapter, if based on the advice and recommendation of a qualified geologist retained by the city, or is satisfied that there is sufficient technical information available from previous geologic studies and reports to determine that no undue fault hazard exists. This determination shall be in writing, citing the reasons for such waiver. Any waiver shall be allowed only upon receipt of approval from the State Geologist. (Ord. 863 N.S. § 5 (part), 1988)

18.43.070 Geologic report--Preparation.

The geologic report required by this chapter shall be prepared and based on an investigation directed to the problem of potential surface displacement through the project site, and shall identify the location, recency, and nature of faulting that may have affected the project site in the past and may affect the project in the future. The suggested outline for geologic reports shall be consistent within the format presented in Appendix C of Special Publication 42, revised 1985, Fault-Rupture

Hazard Zones in California, published by the Division of Mines and Geology of the Department of Conservation. The report may be combined with other geologic or geotechnical reports. (Ord. 863 N.S. § 5 (part), 1988)

18.43.080 Geologic report--Consideration.

The geologic report prepared pursuant to this chapter shall be used by the appropriate city board, commission, council or staff person required to pass upon the project. The recommendations contained within the report shall be incorporated by the appropriate body in the resolution of approval or denial of such project. The approving body may approve, deny or impose necessary conditions required to protect the public health, safety and general welfare from geologic hazards. (Ord. 863 N.S. § 5 (part), 1988)

18.43.090 Appeal.

The decision of the approving board, commission or staff member may be appealed pursuant to the applicable appellate provisions set forth in Chapter 18.64 of this code. (Ord. 863 N.S. § 5 (part), 1988)

18.43.100 Additional regulations.

In addition to the regulations set forth in this chapter, the community development department, with the consent of the city council, may adopt such standards or regulations as are necessary to protect the public from seismic hazards. These standards or regulations may be more stringent than, but shall not be in conflict with, the provisions of any policies and criteria adopted by the State Mining and Geology Board pursuant to Section 2623 of the Public Resources Code of the state, except where more stringent standards or regulations have been adopted, the policies and criteria adopted from time to time by the State Mining and Geology Board shall apply within the city. (Ord. 863 N.S. § 5 (part), 1988)